

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

UNITED STATES OF AMERICA, )  
Plaintiff, )  
v. )  
TONY CARVER, )  
Defendant. )

No. 1:15-cr-91-TKM-SKL

## ORDER

The Court appointed Attorney Paul Bergmann, III as counsel for Defendant Tony Carver (“Defendant”) [Doc. 17]. The court conducted a hearing on May 31, 2016 on Defendant Tony Carver’s (“Defendant”) pro se motion for substitute counsel [Doc. 215]. Present for the hearing were:

1. AUSA Steve Neff for the USA.
  2. Defendant.
  3. Attorney Paul Bergmann, III.

Defendant was advised of his privilege against self-incrimination and duly sworn according to law. The Court heard from both Attorney Bergmann and Defendant regarding Defendant's concerns during the extensive hearing. The government opposed the motion as being unsupported and also noted that substitution would contravene the efficient administration of justice.

Defendant did not provide evidence of a failure to communicate, a lack of diligence, a breach of trust, or a conflict of interest by Attorney Bergmann. To the contrary, it appears that Attorney Bergmann has been communicating with, and diligently working on behalf of, Defendant. The Court **FINDS** that there is no conflict between Attorney Bergmann and

Defendant that would result in a total lack of communication or would prevent an adequate defense, that Defendant has not provided any well-founded reasons or good cause for appointment of substitute counsel, and that substitution would delay the efficient administration of justice.

When asked if he would prefer to keep working with Attorney Bergmann or proceed pro se, Defendant stated he did not want to proceed pro se.

For the reasons discussed in more detail during the hearing, the pro se motion to substitute counsel filed by Defendant [Doc. 215] is **DENIED**.

SO ORDERED.

ENTER:

s/ Susan K. Lee

SUSAN K. LEE  
UNITED STATES MAGISTRATE JUDGE